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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,633	01/28/2002	Armin Meyer	22093	3440

535 7590 08/29/2003

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EXAMINER

HUYNH, LOUIS K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/29/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

<b>Office Action Summary</b>	<b>Application No.</b> 10/058,633	<b>Applicant(s)</b> MEYER ET AL.	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, lines 1-2: "said suction belt" is indefinite for it is unclear as to which of the first and the second suction belts applicant is referring.

Claim 15, line 3, "parallel suction belts" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art) in view of Buchman (US 6,293,896).

With respect to claims 1, 2 and 8-11, AAPA discloses in the specification (page 1, line 16 – page 2, line 16) a method and apparatus for forming bags including: providing a welding station having separation-welding element along a transport path; advancing a double-layer synthetic plastic film web in a stepwise manner on a first suction belt conveyor through the welding station; controlling a step length of each advance of the suction belt such that the step

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length is equal to the product of the number of the separation-welding element (one is disclosed) and the width of the bag.; picking up the bag separated by the separation-welding element from the first suction belt conveyor with a second suction belt conveyor disposed above the first suction belt conveyor; and advancing the second belt conveyor synchronously with the stepping frequency of the first suction belt conveyor to convey the bags to a stacking station. The AAPA method and apparatus meets all of applicant's claimed subject matter but lacks the specific teaching of the welding station having at least two separation-welding elements.

However, Buchman discloses a method and apparatus for manufacturing bags wherein side seams (13, 15) of the bag can be formed with a single seal bar (260) or alternatively with multiple seals bars (260) and each seam area is contacted by one of the seal bars (column 5, lines 41-55), and wherein rollers can be used as desired to feed and stabilize the film.

Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the AAPA method and apparatus by having provided at least two separating-welding elements, as taught by Buchman, as an alternative for making bags so that the processing time could be reduced because of the multiple separating-welding elements being utilized.

Regarding the limitation of the step length being equal to the product of the number of the separating-welding elements and the width of the bag, it would have been obvious to the skilled person in the art to advance the film web with a step length that is equal to the product of the number of the separating-welding elements and the width of the bag because each side seam of the bag is only needed to be sealed once by a single separating-welding element.

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5. Claims 3-7 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art) in view of Buchman (US 6,293,896) as applied to claim 12 above; and further in view of Simonetti et al. (US 6,416,453).

With respect to claims 3-6 and 12-14, the modified AAPA method and apparatus meet all of applicant's claimed subject matter but lacks the specific teaching of collecting device having pins for receiving the bags and advancing the bags and a knock-off device for padding the bags in stack on the pins to form a stack of bags.

Simonetti discloses a method and apparatus for making bags including a knock-off device (22) for stacking bags (20) onto a collecting device (28) having an endless conveyor belt (30) and pins (34) mounted on the endless belt for receiving the bags (20) and intermittently advancing the stacks of bags to a further packaging station.

Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have further modified the AAPA method and apparatus by having provided a knock-off device for stacking the bags and a collecting device having pins mounted on an endless conveyor belt for receiving the bags in stack and advancing the stacks of bags, as taught by Simonetti, in order to facilitate packaging of the bags.

With respect to claim 7, the modified AAPA method meets all of applicant's claimed subject matter but lacks the specific teaching of a step of transferring the pads of bags by a robot from the collecting device to packing cartons, it would have been obvious to a skilled person in the art have transferred the stacks of bags produced by the modified AAPA method from the collecting device to packing cartons using various known means such as a transfer arm which is

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considered to be a robot since the transfer arm is a mechanical device and is designed to perform a routine function automatically.

With respect to claim 15, the knock-off device in the modified AAPA apparatus would have included vertically movable pressing pads (arms 24) disposed between parallel suction belts of the second suction belt for transferring the bag from the second suction belt to the collecting device.

With respect to claim 16, the modified AAPA apparatus would have included in the first suction belt conveyor a single belt extending at least a full width of the film web.

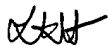
*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied prior art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

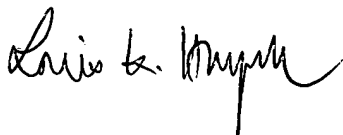
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



LH

August 27, 2003



Louis K. Huynh  
Patent Examiner  
Art Unit 3721